

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 496. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 1772. An act to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office".

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

S. Con. Res. 43. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The Committee resumed its sitting.

AMENDMENT NO. 5 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-300.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TERRY:

In title IX, at the end of Part 4 of subtitle A, add the following new section and make the necessary conforming amendments in the table of contents:

#### SEC. 9053. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) GENERAL SERVICES ADMINISTRATION FACILITY.—

(A) IN GENERAL.—The term "General Services Administration facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility), that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-

effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "General Services Administration facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "General Services Administration facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95-619 (42 U.S.C. 8253(c)).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of geothermal heat pumps at General Services Administration facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of geothermal heat pump recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF GEOTHERMAL HEAT PUMP TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of geothermal heat pump technologies in General Services Administration facilities; and

(ii) the availability to managers of General Services Administration facilities of geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of geothermal heat pumps by Federal agencies in General Services Administration facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify geothermal heat pump technology standards that could be used for all types of General Services Administration facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies in each General Services Administration facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing heating and cooling technologies with geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each General Services Administration facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GENERAL SERVICES ADMINISTRATION FACILITY GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of geothermal heat pump technologies is designated for each General Services Administration facility geothermal heat pump technologies and practices facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) includes an estimate of the funds necessary to carry out this section;

(B) describes the status of the implementation of geothermal heat pump technologies and practices at General Services Administration facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(C) identifies within the planning, budgeting, and construction processes, all types of General Services Administration facility-related procedures that inhibit new and existing General Services Administration facilities from implementing geothermal heat pump technologies;

(D) recommends language for uniform standards for use by Federal agencies in implementing geothermal heat pump technologies and practices;

(E) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of geothermal heat pump technologies and practices;

(F) achieves substantial operational cost savings through the application of geothermal heat pump technologies; and

(G) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (F).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, this is a noncontroversial amendment that encourages government buildings to use geothermal technology.

Geothermal technology is simple; when you dig down and use the energy within and beneath the Earth, you save energy. For example, in Nebraska, and all over, you can dig down 100 feet where the temperature is a consistent 60 degrees. So therefore, for example, at this time of year when it's in the 90s and high humidity, instead of cooling the air from 100 degrees to 72, you're

bringing it up from 60 degrees to 72. You save anywhere from 60 percent and as high as up to 80 percent, depending on the time of year, on energy costs to heat and cool and also to create hot water. This is the major use of energy within buildings, whether commercial or residential, and I think government should be the leader in this.

Simple amendment. I appreciate the help and encouragement I have received on this amendment.

Mr. Chairman, at this time I yield to the gentleman from Virginia.

Mr. BOUCHER. Will the gentleman hold for just one moment, please?

Mr. TERRY. I can keep talking.

Reclaiming my time from the gentleman from Virginia, while the technology to implement geothermal, for example, a smaller building may increase the building cost by a mere \$3,000 or \$4,000, studies have shown that for commercial or residential buildings that they will recoup those costs within a matter of 3 years because of the energy savings by using the Earth's own energy to heat and cool.

Mr. Chairman, at this time I would like to yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding, and I regret the delay.

Let me commend the gentleman for two things. First of all, for his very helpful work as a member of the Committee on Energy and Commerce, and secondly, for bringing this amendment before the body today.

Geothermal heat pump technology is a promising means of meeting heating and cooling needs with high energy efficiency. It uses the Earth itself, as the gentleman has described, as a kind of a heat battery, but also as a natural coolant during the summertimes. And that is a natural battery and also a natural coolant upon which we can draw with great efficiency.

The amendment would direct the Federal Government to take the lead in adopting geothermal heat pump technologies. It would have the government lead by example, and I think it is an excellent addition to the measure. We are pleased to accept the gentleman's amendment.

Mr. TERRY. Mr. Chairman, I do appreciate the gentleman's acceptance of this, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, as the committee of jurisdiction on the minority side, we do not oppose the amendment, we support it, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-300.

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. UDALL of New Mexico.

In title IX, after subtitle F, insert the following new subtitle and make the necessary conforming changes in the table of contents:

**Subtitle G—Federal Renewable Portfolio Standard**

**SEC. 9600. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

**“SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

“(a) DEFINITIONS.—For purposes of this section:

“(1) BIOMASS.—

“(A) IN GENERAL.—The term ‘biomass’ means—

“(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

“(ii) nonhazardous, plant or algal matter that is derived from any of the following:

“(I) An agricultural crop, crop byproduct or residue resource.

“(II) Waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic or metals).

“(III) Gasified animal waste.

“(IV) Landfill methane.

“(B) NATIONAL FOREST LANDS AND CERTAIN OTHER PUBLIC LANDS.—With respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term ‘biomass’ covers only organic material from (i) ecological forest restoration; (ii) pre-commercial thinnings; (iii) brush; (iv) mill residues; and (v) slash.

“(C) EXCLUSION OF CERTAIN FEDERAL LANDS.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass are not included in the term biomass if they are located on the following Federal lands:

“(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from such land is appropriate for the applicable forest type and maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition.

“(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

“(iii) Wilderness Study Areas.

“(iv) Inventoried roadless areas.

“(v) Components of the National Landscape Conservation System.

“(vi) National Monuments.

“(2) ELIGIBLE FACILITY.—The term ‘eligible facility’ means—

“(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2001; or

“(B) a repowering or cofiring increment.

“(3) EXISTING FACILITY.—The term ‘existing facility’ means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

“(4) INCREMENTAL HYDROPOWER.—The term ‘incremental hydropower’ means additional

generation that is achieved from increased efficiency or additions of capacity made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

“(5) INDIAN LAND.—The term ‘Indian land’ means—

“(A) any land within the limits of any Indian reservation, pueblo, or rancharia;

“(B) any land not within the limits of any Indian reservation, pueblo, or rancharia title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation;

“(C) any dependent Indian community; or

“(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(7) RENEWABLE ENERGY.—The term ‘renewable energy’ means electric energy generated by a renewable energy resource.

“(8) RENEWABLE ENERGY RESOURCE.—The term ‘renewable energy resource’ means solar (including solar water heating), wind, ocean, tidal, geothermal energy, biomass, landfill gas, or incremental hydropower.

“(9) REPOWERING OR COFIRING INCREMENT.—The term ‘repowering or cofiring increment’ means—

“(A) the additional generation from a modification that is placed in service on or after January 1, 2001, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

“(B) the additional generation above the average generation in the 3 years preceding the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.

“(10) RETAIL ELECTRIC SUPPLIER.—The term ‘retail electric supplier’ means a person that sells electric energy to electric consumers (other than consumers in Hawaii) that sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year; except that such term does not include the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative.

“(11) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term ‘retail electric supplier's base amount’ means the total amount of electric energy sold by the retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available, excluding—

“(A) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

“(B) electricity generated through the incineration of municipal solid waste.

“(b) COMPLIANCE.—For each calendar year beginning in calendar year 2010, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, one or more of the following:

“(1) Federal renewable energy credits issued under subsection (e).

“(2) Federal energy efficiency credits issued under subsection (i), except that Federal energy efficiency credits may not be used to meet more than 27 percent of the requirements of subsection (c) in any calendar year.

“(3) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(3)(G).

“(4) Alternative compliance payments pursuant to subsection (j).

“(c) REQUIRED ANNUAL PERCENTAGE.—For calendar years 2010 through 2039, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources, or otherwise credited towards such percentage requirement pursuant to subsection (d), shall be the percentage specified in the following table:

Calendar Years	Required annual percentage
2010 .....	2.75
2011 .....	2.75
2012 .....	3.75
2013 .....	4.5
2014 .....	5.5
2015 .....	6.5
2016 .....	7.5
2017 .....	8.25
2018 .....	10.25
2019 .....	12.25
2020 and thereafter through 2039 .....	15

“(d) RENEWABLE ENERGY AND ENERGY EFFICIENCY CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

“(A) issued to the retail electric supplier under subsection (e);

“(B) obtained by purchase or exchange under subsection (f) or (g); or

“(C) borrowed under subsection (h).

“(2) A retail electric supplier may satisfy the requirements of subsection (b)(2) through the submission of Federal energy efficiency credits issued to the retail electric supplier obtained by purchase or exchange pursuant to subsection (i).”

“(3) A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once. A Federal energy efficiency credit may be counted toward compliance with subsection (b)(2) only once.

“(e) ISSUANCE OF CREDITS.—(1) The Secretary shall establish by rule, not later than 1 year after the date of enactment of this section, a program to verify and issue Federal renewable energy credits to generators of renewable energy, track their sale, exchange and retirement and to enforce the requirements of this section. To the extent possible, in establishing such program, the Secretary shall rely upon existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

“(2) An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The applicant must demonstrate that the electric energy will be transmitted onto the grid or, in the case of a generation offset, that the electric energy offset would have otherwise

been consumed on site. The application shall indicate—

“(A) the type of renewable energy resource used to produce the electricity;

“(B) the location where the electric energy was produced; and

“(C) any other information the Secretary determines appropriate.

“(3)(A) Except as provided in subparagraphs (B), (C), and (D), the Secretary shall issue to a generator of electric energy one Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

“(B) For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based, on the increase in average annual generation resulting from the efficiency improvements or capacity additions. The incremental generation shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

“(C) The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on such land.

“(D) For electric energy generated by a renewable energy resource at an on-site eligible facility and used to offset part or all of the customer's requirements for electric energy, the Secretary shall issue 3 renewable energy credits to such customer for each kilowatt hour generated.

“(E) If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

“(F) When a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility, and the contract has not determined ownership of the Federal renewable energy credits associated with such generation, the Secretary shall issue such Federal renewable energy credits to the retail electric supplier for the duration of the contract.

“(G) Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings that results from those payments.

“(f) EXISTING FACILITIES.—The Secretary shall ensure that a retail electric supplier that acquires Federal renewable energy credits associated with the generation of renewable energy from an existing facility may use such credits for purpose of its compliance with subsection (b)(1). Such credits may not be sold or traded for the purpose of compliance by another retail electric supplier.

“(g) RENEWABLE ENERGY CREDIT TRADING.—A Federal renewable energy credit, may be sold, transferred or exchanged by the entity to whom issued or by any other entity who acquires the Federal renewable energy

credit, except for those renewable energy credits from existing facilities. A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

“(h) RENEWABLE ENERGY CREDIT BORROWING.—At any time before the end of calendar year 2012, a retail electric supplier that has reason to believe it will not be able to fully comply with subsection (b) may—

“(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2012 and the subsequent calendar years involved; and

“(2) upon the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

The retail electric supplier must repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to those otherwise required under subsection (b), by calendar year 2020 or any earlier deadlines specified in the approved plan. Failure to repay the borrowed Federal renewable energy credits shall subject the retail electric supplier to civil penalties under subsection (i) for violation of the requirements of subsection (b) for each calendar year involved.

“(i) ENERGY EFFICIENCY CREDITS.—

“(1) DEFINITIONS.—In this subsection—

“(A) CUSTOMER FACILITY SAVINGS.—The term ‘customer facility savings’ means a reduction in end-use electricity at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to—

“(i) consumption at the facility during a base year;

“(ii) in the case of new equipment (regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment), consumption by the new equipment of average efficiency; or

“(iii) in the case of a new facility, consumption at a reference facility.

“(B) ELECTRICITY SAVINGS.—The term ‘electricity savings’ means—

“(i) customer facility savings of electricity consumption adjusted to reflect any associated increase in fuel consumption at the facility;

“(ii) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency (as defined by the Secretary by regulation);

“(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

“(iv) recycled energy savings.

“(C) QUALIFYING ELECTRICITY SAVINGS.—The term ‘qualifying electricity savings’ means electricity saving that meet the measurement and verification requirements of paragraph (4).

“(D) RECYCLED ENERGY SAVINGS.—The term ‘recycled energy savings’ means a reduction in electricity consumption that is attributable to electrical or mechanical power, or both, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

“(2) PETITION.—The Governor of a State may petition the Secretary to allow up to 25 percent of the requirements of a retail electric supplier under subsection (c) in the State to be met by submitting Federal energy efficiency credits issued pursuant to this subsection.

“(3) ISSUANCE OF CREDITS.—

“(A) The Secretary shall issue energy efficiency credits in States described in paragraph (2) in accordance with this subsection.

“(B) In accordance with regulations promulgated by the Secretary, the Secretary shall issue credits for—

“(i) qualified electricity savings achieved by a retail electric supplier in a calendar year; and

“(ii) qualified electricity savings achieved by other entities (including State agencies) if—

“(I) the measures used to achieve the qualifying electricity savings were installed or placed in operation by the entity seeking the credit or the designated agent of the entity; and

“(II) no retail electric supplier paid a substantial portion of the cost of achieving the qualified electricity savings (unless the utility has waived any entitlement to the credit).

“(4) MEASUREMENT AND VERIFICATION OF ELECTRICITY SAVINGS.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding the measurement and verification of electricity savings under this subsection, including regulations covering—

“(A) procedures and standards for defining and measuring electricity savings that will be eligible to receive credits under paragraph (3), which shall—

“(i) specify the types of energy efficiency and energy conservation that will be eligible for the credits;

“(ii) require that energy consumption for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

“(iii) account for the useful life of electricity savings measures;

“(iv) include specified electricity savings values for specific, commonly-used efficiency measures;

“(v) specify the extent to which electricity savings attributable to measures carried out before the date of enactment of this section are eligible to receive credits under this subsection; and

“(vi) exclude electricity savings that (I) are not properly attributable to measures carried out by the entity seeking the credit; or (II) have already been credited under this section to another entity;

“(B) procedures and standards for third-party verification of reported electricity savings; and

“(C) such requirements for information, reports, and access to facilities as may be necessary to carry out this subsection.

“(5) COMBINED HEAT AND POWER.—Under regulations promulgated by the Secretary, the increment of electricity output of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), shall be considered electricity savings under this subsection.

“(6) STATE DELEGATION.—On application of the Governor of a State, the Secretary may delegate to the State the administration of this subsection in the State if the Secretary determines that the State is willing and able to carry out the functions described in this subsection.”

“(j) ENFORCEMENT.—A retail electric supplier that does not comply with subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of kilowatt-hours represented by the retail electric supplier's failure to comply with subsection (b), multiplied by the lesser of 4.5 cents (adjusted for inflation for such calendar year, based on the Gross Domestic Product Implicit Price Deflator) or 300 percent of the average market value of Federal renewable energy credits and energy efficiency credits for the compliance period. Any such penalty shall be due and payable without demand to the Secretary as provided in the regulations issued under subsection (e).

“(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The Secretary shall accept payment equal to 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period or 3.0 cents per kilowatt hour adjusted on January 1 of each year following calendar year 2006 based on the Gross Domestic Product Implicit Price Deflator, as a means of compliance under subsection (b)(4).

“(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

“(1) the annual renewable energy generation of any retail electric supplier, Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1) and Federal energy efficiency credits;

“(2) annual electricity savings achieved pursuant to subsection (i);

“(3) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

“(4) the quantity of electricity sales of all retail electric suppliers.

“(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

“(n) STATE PROGRAMS.—(1) Nothing in this section diminishes any authority of a State or political subdivision of a State to—

“(A) adopt or enforce any law or regulation respecting renewable energy or energy efficiency, including but not limited to programs that exceed the required amount of renewable energy or energy efficiency under this section, or

“(B) regulate the acquisition and disposition of Federal renewable energy credits and Federal energy efficiency credits by electric suppliers.

No law or regulation referred to in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having renewable energy programs and energy efficiency programs, shall preserve the integrity of such State programs, including programs that exceed the required amount of renewable energy and energy efficiency under this section, and shall facilitate coordination between the Federal program and State programs.

“(2) In the rule establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy and energy efficiency programs, including State programs, to ensure administrative ease, market transparency and effective enforcement. The Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

“(o) RECOVERY OF COSTS.—An electric utility whose sales of electric energy are subject to rate regulation, including any utility whose rates are regulated by the Commission and any State regulated electric utility, shall not be denied the opportunity to recover the full amount of the prudently in-

curred incremental cost of renewable energy and energy efficiency obtained to comply with the requirements of subsection (b). For purposes of this subsection, the definitions in section 3 of this Act shall apply to the terms electric utility, State regulated electric utility, State agency, Commission, and State regulatory authority.

“(p) PROGRAM REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a comprehensive evaluation of all aspects of the program established under this section, within 8 years of enactment of this section. The study shall include an evaluation of—

“(1) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy and energy efficiency technologies;

“(2) the opportunities for any additional technologies and sources of renewable energy and energy efficiency emerging since enactment of this section;

“(3) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

“(4) the regional resource development relative to renewable potential and reasons for any under investment in renewable resources; and

“(5) the net cost/benefit of the renewable portfolio standard to the national and State economies, including retail power costs, economic development benefits of investment, avoided costs related to environmental and congestion mitigation investments that would otherwise have been required, impact on natural gas demand and price, effectiveness of green marketing programs at reducing the cost of renewable resources.

The Secretary shall transmit the results of the evaluation and any recommendations for modifications and improvements to the program to Congress not later than January 1, 2016.

“(q) STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY ACCOUNT PROGRAM.—(1) The Secretary shall establish, not later than December 31, 2009, a State renewable energy account program.

“(2) All money collected by the Secretary from the alternative compliance payments under subsection (k) shall be deposited into the State renewable energy and energy efficiency account established pursuant to this subsection.

“(3) Proceeds deposited in the State renewable energy and energy efficiency account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants to the State agency responsible for administering a fund to promote renewable energy generation and energy efficiency for customers of the state, or an alternative agency designated by the state, or if no such agency exists, to the state agency developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production and providing energy assistance and weatherization services to low-income consumers.

“(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. At least 75 percent of the funds provided to each State shall be used for promoting renewable energy production and energy efficiency through grants, production incentives or other state-approved funding mechanisms. The funds shall be allocated to the States on the basis of retail electric sales subject to the Renewable Portfolio Standard under this section or through voluntary participation. State agencies receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.”

(b) TABLE OF CONTENTS.—The table of contents for such title is amended by adding the following new item at the end:

“Sec. 610. Federal renewable portfolio standard”.

(c) SUNSET.—Section 610 of such title and the item relating to such section 610 in the table of contents for such title are each repealed as of December 31, 2039.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New Mexico (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to establish a 15 percent national renewable electricity standard by the year 2020. In doing so, utilities are permitted to meet up to 4 percent of this requirement through energy efficiency measures. This amendment will save consumers money, stimulate our economy, and strengthen our national security.

The aim of this amendment may seem far reaching, but the mechanism for doing so is not. A 15 percent national renewable electricity standard by the year 2020 is essential to our national security future.

Equally important to this debate, however, and contrary from what you hear from our opponents, the RES is absolutely achievable. In fact, almost half of the States of the Union already have an RES in place, but the full potential for renewable electricity will be left unrealized without the adoption of a Federal program to enhance the efforts of these States. We must enact a Federal RES, and we must do so now.

Momentum has been building, as evidenced by the fact that many of the RES standards enacted by States already have been exceeded. Subsequently, the standards have been increased. A national RES has passed the Senate three times. It has proven itself effective, efficient and popular. And it's time for the New Direction Congress to bring those benefits to the rest of the Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I would ask unanimous consent that we have an additional 10 minutes on this amendment equally divided by the minority and the majority because we have lots of speakers on both sides.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment and I yield myself 2 minutes.

First let me say that we're not opposed to all renewable portfolio standards, but we are opposed to this one for a number of reasons. First of all, it only applies to investor-owned electric utilities. It doesn't apply to electric co-ops. It doesn't apply to municipal utilities. It just applies to investor-owned electric utilities. That's one of

the reasons that the Edison Electric Institute is opposed to this amendment.

It doesn't meet the standards that have been put out for renewable portfolio standards. It should apply to all utilities. This one doesn't. It should complement and not preempt State programs. This one doesn't. It should be technology neutral. This one is not technology neutral. It should provide credit for early action. This doesn't do that. It should allow for a national trading mechanism, including standardized monitoring, verification and distribution of credits. It doesn't do that. And it should include specific provisions assuring cost recovery for retail electric providers. It doesn't do that. It doesn't include nuclear as a renewable energy, and we think that it should. We think all hydros should be included. This one doesn't.

So, it is certainly worthy of debate, and I support it being made in order to be debated on the floor, but I would hope that we would oppose it when it comes time for the vote.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I would like to yield 2 minutes to my Republican cosponsor, Todd Platts, who has worked very, very hard on this amendment. And I would emphasize that this is a bipartisan amendment, and we have worked all along on it together.

□ 1345

Mr. PLATTS. Mr. Chairman, I appreciate the gentleman yielding, and I certainly appreciate his leadership on this very important issue. I do appreciate the ranking member's issues he has raised and that perhaps this amendment doesn't go far enough in what it includes in the type of renewable energy that is acknowledged.

I would say that this is a starting point. If we support this amendment, if we get into conference, then we can build on this to look at other options. But we have to start somewhere. I think this is a good starting point.

So I rise in support of this amendment which would establish a National Renewable Energy Portfolio Standard of 15 percent by 2020. A 15 percent RPS is an important step that we can take to meet our growing energy needs in an environmentally friendly manner and decrease our dependence on foreign oil and create more jobs.

A study by Woods McKenzie found that a 15 percent RPS would decrease the price of natural gas by 15 to 20 percent, decrease wholesale electricity prices by 7 to 11 percent, for a savings of \$240 billion to consumers and would avoid almost 3 billion tons of carbon dioxide by the year 2030.

In addition, a Federal RPS would create hundreds of thousands of new jobs. In fact, the top five States that have been hit hardest with the loss in their manufacturing economy over the past 6 years, California, Ohio, Texas, North

Carolina, and my home State of Pennsylvania, would benefit most from the creation of new agricultural and manufacturing jobs because of the passage of this amendment. My home State of Pennsylvania has established an RPS of 18 percent by 2020.

Since its inception in 2004, the Renewable Energy Standard is associated with the creation of several thousand new jobs. Projections show that a national RPS would create an additional 7,000 jobs in my State alone. Momentum has been steadily growing for a national RPS. Currently, almost half of all States have implemented such an RPS standard.

Mr. Chairman, I believe a national RPS is an important step to make to reduce pollution and lessen addiction to foreign energy sources. I urge a yes vote, and I thank the gentleman for yielding.

Mr. BARTON of Texas. I yield 1 minute to the distinguished gentleman from the great State of Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in opposition to this amendment that is essentially an electricity tax on utilities and their consumers, with the greatest burden falling on States without renewable resources.

Utility companies must be allowed to develop their renewable capacity in relation to consumers' acceptance of the resource and its related additional costs. We have done that in the great State of Oklahoma.

Congress needs to recognize there are significant regional differences in the availability, amounts and types of renewable energy resources in different regions of the country. A one-size-fits-all Federal RPS mandate ignores the uneven distribution of available resources and the economic needs of individual States.

Mr. Chairman, I didn't get elected from these other States. I got elected from Oklahoma. This is bad for Oklahoma. This is bad for working families. I am the only Democrat in Oklahoma, but my district is one of the poorest in the country. This will do damage to working families who are on fixed incomes.

Mr. Chairman, this mandate for renewable electricity is nothing more than a thinly veiled tax.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), who has been a key player on this issue.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate his leadership.

Mr. Chairman, I rise in strong support of this bipartisan amendment. I could not disagree more with my good friend from Oklahoma. This is not a one-size-fits-all. Indeed, this has been recalibrated to be able to make it more flexible, reduce the standard, and give more flexibility in ways to achieve it. There is no State that does not have opportunities for renewable energy.

The ranking member suggests that it doesn't go far enough. Well, I would suggest that part of the reason that some of the exemptions have been made for co-ops and whatnot is to recognize the differences and to make it actually easier politically.

I will guarantee you that within the next 3 or 4 years after we adopt this we will be coming back, because the public will be demanding that more happen. That is why States are already ahead of the Federal Government and are adopting portfolio standards that are higher than we have.

People recognize that that is a source of new jobs in Oklahoma and in Florida. It is a new source of jobs in my State of Oregon. There is a new plant in Arkansas. There are tremendous opportunities. That is why, when people from coast to coast have an opportunity to vote on establishing them, these have been overwhelmingly approved, as I hope we overwhelmingly approve this today.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the great State of Florida (Mr. STEARNS), a distinguished member of the committee.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, let me first of all agree with the Democrat from Oklahoma. He said this is a bad bill for the State of Oklahoma. This is also a bad bill for the State of Florida. Why is this bad? First of all, it is a giant tax increase.

Now, Mr. Udall has indicated that part of the reason this bill should be passed is because it stimulates the economy. I suggest when you stimulate the economy with an increase in taxes, you are not going to get the stimulation that you expect.

The Udall amendments proposes, as was mentioned, a one size that fits all States. Let each State work this out themselves.

Mr. Chairman, do all the Members realize that the Renewable Portfolio Standard does not include municipal solid waste? That does not qualify as renewable under the RPS proposal. In fact, a lot of the States that you represent use municipal solid waste. That is not even going to be part of this portfolio stand?

This one size fits all is not going to work and does not take into account the nuances and the specific energy and economic needs of individual States. They are working on this themselves. We do not need this bill. Vote against the Udall amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Mexico. I appreciate his effort to support renewable energy and ensure clean, renewable sources of energy but this amendment is not the way to go about it. The Udall amendment proposes a one size fits all renewable portfolio standard RPS that would drastically increase electricity costs for Floridians and the entire Southeast without promoting investment in renewable energy generation.

Because of its design, the proposed Federal RPS imposes an unequal burden on States. Utilities located in areas of the country with poor renewable resources, like Florida, will be required to purchase credits from utilities located in areas with strong renewable resources potential, leading to significant wealth transfers out of Southeastern States.

This one-size-fits-all Federal mandate does not take into account the specific energy and economic needs of individual States by requiring that 15 percent of retail electricity sales be generated from specific renewable resources which are not prevalent in the Southeast. Because Florida and the Southeast lack sufficient quantities of such resources, utilities in our region would be forced to pay harsh penalties for noncompliance.

According to the U.S. Energy Information Administration, renewable resources currently account for only 3 percent of Florida's total electric generation. More than one-third of this power is generated from municipal solid waste, but municipal solid waste does not fully qualify as renewable under this RPS proposal. In fact, the majority of renewables currently used in Florida do not qualify under this proposal. Even if all existing renewable resources were included in the RPS, Florida would still have difficulty meeting the requirements given our limited availability of solar, landfill gas and virtually no wind power in the State.

And because Florida lacks the renewable resources as defined in this RPS proposal, this mandate would force electric utility companies to purchase renewable energy credits to meet the federal requirements. Since most of these credits would be purchased from the government and would not be based on actual renewable generation, it would essentially amount to an energy tax on all Floridians and anyone who lives in the Southeast. If Congress enacts a 15 percent RPS, this tax would cost Florida ratepayers billions of dollars and greatly increase the average annual energy cost to residential customers. In a report released by the Department of Energy in June 2007, the proposed RPS would cause residential customers to spend \$7.2 billion more for electricity.

Every single State public service commission in the Southeast, including the Florida PSC, recognizes this amendment will significantly raise electric bills for the ratepayers they represent. The Southern Legislative Conference, representing the legislatures of Southeastern states, has also recognized how unfair the Federal RPS is and has recommended that States be allowed to write their own standard.

In fact, 23 States already have an RPS tailored to fit their own available resources and energy needs and many more States are presently in the process of creating an RPS. Florida is one of those States. Governor Crist recently announced a 20 percent renewables program by 2020. However, he remains strongly opposed to a one-size-fits-all Federal mandate. It is Florida's position that individual States can best determine what is attainable in their State and should be allowed to set standards tailored to their specific capabilities and needs. I believe that renewable energy programs should be based on customer demand, regional differences, and appropriate incentives, not on unrealistic Federal mandates that selectively penalize electricity consumers in certain regions of the country. Regrettably,

a Federal RPS mandate would impose significant additional costs to Floridians and the entire Southeast without providing any new investment in renewable generation within their State.

The Udall amendment will impose a giant new tax, while doing little to promote renewable energy, and absolutely nothing to lessen our dependence on foreign oil. I encourage my colleagues to oppose this one-size-fits-all RPS and vote against this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield to the gentleman from Texas (Mr. HINOJOSA) for a unanimous consent request.

(Mr. HINOJOSA asked and was given permission to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Chairman, I rise in support of H.R. 3221, the New Direction For Energy Independence, National Security, and Consumer Protection Act.

This important legislation puts our Nation on a new course in energy policy—a course towards additional energy supply, energy efficiency, conservation, environmental stewardship, and a leadership role in the worldwide effort to confront global warming.

This legislation trains our workforce to provide the energy needs of future generations. Through the "Green Jobs" program, our Nation will train workers to manufacture sources of renewable energy and energy efficiency. We will also re-tool our economy and our workforce to bring about a diversified energy supply while assisting at-risk youth in developing the skills needed to join a new green economy.

This bill returns the United States to a leadership role in the international effort to halt climate change. As the world's leading economy and a largest emitter of greenhouse gas, our Nation must participate in negotiating new international treaties and agreements on the environment. The new Ambassador-at-Large for Global Climate Change will work to build consensus in the global community on this international problem.

The planet will be protected from global warming only through global cooperation and effort. This bill will task the State Department with attaining binding emissions reduction commitments from all major emitters, including China, India, and Brazil.

This monumental legislation is only the first step in bringing America towards a cleaner, safer, and productive future. I wish to acknowledge Chairman MILLER of the Education and Labor Committee, Chairman LANTOS of the Committee on Foreign Affairs, and all the other Committee Chairs for their strong leadership in drafting this bill.

Most importantly, I applaud Speaker PELOSI's visionary leadership in crafting a national energy policy that we can be proud of and future generations will be eternally grateful for. I hope all of my colleagues join me in supporting this important and overdue legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been another key player, organizer and leader on this issue.

Mr. MARKEY. Mr. Chairman, this is the energy vote of the decade. This is



the most important vote of the day, because this vote is about the future. This vote will decide whether or not we are going to have 15 percent of our electricity by 2020 generated by wind, by solar, by biomass and by the other renewable electricity energy resources.

Climate change, dependence upon imported oil, all of it is in this fossil fuel agenda. This gives us a chance to move to a new agenda, a new way of generating energy in our country: 15 percent by 2020.

This is the challenge for our country. This is what the American people expect from us, not to be held hostage by OPEC, not to be polluting the atmosphere, not to be exacerbating climate change, but to be moving to a renewable future.

This is the vote of the decade on the energy future of our country. This will send a signal to Europe, to China, to India, that we are serious about climate change, that we are serious about energy independence.

Vote yes on the Udall-Platts amendment. Vote for the future and not for the past.

Mr. Chairman, it is time for us to move on to the new agenda.

Mr. BARTON of Texas. Mr. Chairman, could I inquire as to the time remaining on each side on this amendment?

The CHAIRMAN. The gentleman from Texas has 11½ minutes.

Mr. BARTON of Texas. Eleven? I started out with 5. Now I have 11. This is good.

The CHAIRMAN. If the gentleman will suspend.

Mr. BARTON of Texas. I like that ruling, Mr. Chairman.

The CHAIRMAN. We are going to make sure it is a correct ruling.

Mr. BARTON of Texas. We have some renewable minutes here, it looks like.

Mr. UDALL of New Mexico. With all those renewable minutes, I hope you're for the bill.

The CHAIRMAN. I am informed that the Chair was correct.

Mr. BARTON of Texas. Really? Praise the Lord.

Mr. UDALL of New Mexico. How much time remains on our side?

The CHAIRMAN. Eight minutes. The Chair was correct.

Mr. BARTON of Texas. Mr. Chairman, since I have got a bonus of time here, I am going to yield myself 1 minute to comment on my good friend, Hopalong MARKEY'S, comments.

□ 1400

If this is the energy amendment of the decade, what happened to the Markey-Boehlert amendment on CAFE in the last Congress, or the pending Markey amendment on CAFE in this Congress, or the amendment on ANWR in the last Congress, or the pending amendments we are going to have on the climate change bill that is going to come out later this fall, or the vote on the Energy Policy Act conference report, which is the most comprehensive

energy bill in the last 40 years that has been adopted?

If this is now the energy amendment of the decade, my friends on the majority are not planning on doing much on energy in the next decade. It is a worthy amendment. It is good to have a bipartisan debate. Renewable Portfolio Standards are obviously something that need to be debated and discussed and continually developed. But I do not believe this is the energy amendment vote of the decade.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a member of the committee.

Mrs. MYRICK. Mr. Chairman, this amendment unfairly penalizes consumers in States like North Carolina, where investor-owned utilities provide a majority of the State's power using coal-fired generation and nuclear power, and it also undermines the State's Renewable Portfolio Standards. States in the Southeast and the Midwest are dependent upon coal-fired generation and investor-owned utilities have pioneered carbon sequestration techniques which substantially reduce further CO<sub>2</sub> emissions.

Many States don't have the environmental capacity to generate significant power through solar or wind. Western States are capable of harnessing wind, solar and hydroelectric power; and they benefit from meeting this. But they also would be able to sell credits to the States in the South, Southeast and Midwest, while higher retail energy costs will adversely affect the consumers and employers in States like North Carolina.

Any jobs created to meet a government-mandated RPS will be miniscule compared to the manufacturing job losses that will result from higher energy costs. If the goal of the amendment is to reduce emissions and develop domestic energy forces, why not factor in nuclear power? Nuclear power is very important.

I urge my colleagues to vote against the amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 15 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this amendment. The great State of Nevada has had a renewable energy standard for a number of years. It is a 20 percent standard. It is about time the rest of the Nation caught up with the great State of Nevada. Let's do this for the future of our Nation and the future of our children.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER),

the distinguished chairman of the Subcommittee on Energy and Air Quality.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I want to thank the gentleman from Texas for yielding this time.

Mr. Chairman, I rise in opposition to this amendment. There are a variety of reasons that we should not impose a requirement for the use of renewables for electricity generation as a matter of Federal law that would be applicable across the country.

The renewable resources for electricity generation are truly regional in nature and not every region of the country has them in sufficient quantity. The Southeast, for example, is deficient in both wind and solar resources; and these are the two renewable resources that are the closest to commercial viability across the country.

Some proponents have said that every area of the country has biomass and biomass could be used as a renewable resource for electricity generation. But, Mr. Chairman, it simply cannot be a primary way that a large electric utility meets a renewables requirement of 15 percent of its total generating capacity.

In fact, one utility estimated that it would have plant and harvest biomass from an area the size of the State of Connecticut if it is going to meet its 15 percent obligation using biomass. So it simply is not practical. That utility has little wind or solar potential. It would simply have to pay a large penalty that is estimated at about \$20 billion between 2020 and 2030 to the Federal Government for its failure to meet its obligation to use renewables to the extent of 15 percent of generating capacity, and that is money that would ultimately have to be paid by the ratepayers.

Twenty-five States where renewable resources exist have their own renewables mandates. That is the way it ought to be handled, State by State, not through a one-size-fits-all national solution. In fact, one can hardly imagine a circumstance that is better suited to State by State decisionmaking and less well suited to a national mandate.

The 25 States with their own programs have local renewable resources, and they have tailored their State laws to fit that resource availability. Their State laws make eligible a variety of different kinds of fuels and other kinds of offsets in order to meet that 15 percent requirement. That is all tailored based on their local resources available.

Virtually all of the States with programs make a broader range of fuels eligible for inclusion under the mandate than does the amendment that is pending before the committee for national application.

Mr. Chairman, I urge the House not to penalize ratepayers who happen to live in areas that have few renewable

resources. I think that renewables should be encouraged, and in fact I would like to see them encouraged to the greatest feasible extent. The way to do that is State by State, not as a national mandate.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE). He has just written a book on energy. He is one of our big thinkers in the Democratic Party on this issue.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, this amendment really is critical because we know one thing about America: when it sets grand goals, it is roused to great advance. When John F. Kennedy on May 9, 1961, stood right behind me and set a goal of America to go to the Moon in 10 years, the U.S. Congress did not complain that at that moment we did not have all the technologies we need to set that goal. But Kennedy knew that when America sets goals, it achieves them.

Today, we set a goal to have 15 percent of our energy from renewable sources. We know this is an achievable goal. We know that every State in the continental United States, including the Southeast, has more solar energy capacity than Germany, that today, cloudy Germany is getting massive amounts of solar energy.

The reason is that we understand that we are the people who invented the airplane, the Internet, software and mapped the human genome. And we are going to do this together. We are going to use clean coal for 80, perhaps 89, percent using our fossil fuel. Is it too much to say that we will use 11 percent for renewables, for wave, biofuels, solar, and 4 percent for efficiency?

This is a moment for America to have the same spirit of the original Apollo Project, and for the moment do not shirk and fear. Let's live our dreams. Let's live our aspirations. Let's pass this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Oregon (Mr. WALDEN), a member of the committee.

Mr. WALDEN of Oregon. Mr. Chairman, I thank you, and I thank our ranking member for yielding the time.

Mr. Chairman, I have been a believer that when it comes to RPS, they are best implemented locally at the State level or regionally, and, indeed, our State of Oregon has done so very effectively after much consideration.

I came to the floor today thinking maybe this was a national version, if we were going to have one, to incent renewable energy, which I am a big advocate of, that this might work. But in reading this amendment as it has been proposed over the last few days, there are some issues that are contained therein that bring me to the point where I have to oppose it.

Predominantly they relate around the sections that preclude certain bio-

mass, depending on where it came from, from counting toward the Renewable Portfolio Standards requirement. I just don't understand why if biomass taken off one part of a forest counts, biomass taken off another part of a forest doesn't count. These are arbitrary decisions contained on page 3 and elsewhere in this legislation.

I have an area in my district that has juniper trees that need to be removed, and everyone agrees they need to be removed. You could remove those juniper trees off the land not under the National Landscape Conservation District boundaries and they would count toward the biomass, toward Renewable Portfolio Standards, but those contained therein would not. The same with roadless wilderness study areas and things of that nature.

Additionally, I am concerned about a definition I just ran across involving rural electric co-ops and how that could be defined, because I know there are some co-ops that aren't necessarily rural only.

Finally, I would love to know why Hawaii is completely exempted from it.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I appreciate my friend from Oregon and colleague's concerns, and as we have talked, I think his point is well taken in terms of the definition of biomass. I have indicated to the gentleman that I would be willing to work with him to make sure that this modest adjustment is made. I don't think there is any intent, and I look forward to working with him to make sure that that is solved.

Mr. UDALL of New Mexico. Mr. Chairman, I would also like to work with both of the gentleman to see that we correct this. I think this is something that we can work on and we can iron out.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), who I know is very interested in renewable energy issues and has been a leader on that front.

Mr. KIRK. Mr. Chairman, I rise in support of this amendment, because an increase in renewable energy for our country will be an increase in American energy. Frankly, I would rather pay the Midwest than the Mideast for energy.

As someone who still serves in the military, I would like to accelerate a day in the future in which our dependence on foreign energy is less of a concern to the Pentagon. Half of our States have already led with these kinds of standards.

The Founding Fathers intended States to advance laws and standards before the national government did. They have led on this, and now it is time for our country to pitch in.

This amendment helps us to pay Americans, not foreigners; it reduces our impact on the environment; but,

most importantly, it makes it less likely than the Pentagon of 2020 is worried about foreign sources of energy.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the great State of Arkansas (Mr. ROSS), a member of the committee.

Mr. ROSS. Mr. Chairman, I strongly support the development of renewable resources. However, establishing a nationwide standard through a one-size-fits-all approach makes this goal unachievable for States like my home State of Arkansas.

In fact, if this amendment passes, I will be forced to vote against an energy bill that I helped write. The energy bill went nine, 10 or 11 committees without this language, and here we are in the eleventh hour trying to put it on the bill in the House floor.

My home State's wind capacity is minimal. And while we have great potential for biomass, the industry is years away. That means that in the meantime, this requirement would force consumers to have to bear the burden of making these technologies cost effective.

Arkansans are among some of the lowest income in the United States, and this requirement will disproportionately affect them, resulting in their being forced to pay up to \$15 more a month for electricity. That is why the Arkansas Public Service Commission, appointed by a Democratic Governor, has come out against this amendment.

If this amendment is so great, why has its authors exempted municipal power systems, the TVA, electric co-ops and the State of Hawaii?

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity, first of all, to thank you. This is a historic day. We hear the Presidential candidates on both sides, Republican and Democrat, talk about the importance of securing our Nation with energy. This is one of the first steps in order to do that. We have to take these steps. This gives us an opportunity to begin to secure our Nation, to reduce our dependency on the volatile supply of fossil fuels so we will be able to be more independent as we move forward.

This opportunity also provides economic security for our Nation as a whole. It is also a historical moment in terms of renewing that energy that is out there besides in terms of just looking at the existing ones.

In addition, let me just take this opportunity to say that this is about ensuring a clean and healthy future for our children and grandchildren and future generations. This has to begin to occur now.

Yes, it has got its difficulties, but it is the first step in the right direction, to make sure we do the right thing. I want to encourage each and every one of you to vote in favor of this particular bill.



Mr. BARTON of Texas. Mr. Chairman, I would like to yield 1 minute to a former Member of the committee from the great State of California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise today in opposition to the exemptions in this motion. I find it hard to believe that anyone who wants to really fight greenhouse gases is going to try to have winners and losers and allow these major exemptions that are in this bill.

The City of Los Angeles is going to continue to go without the same mandates and requirements and standards that the City of San Diego would have. Why are public utilities exempt in this bill, as if their emissions are not going to affect the environment, as if government is somehow immune? Government should be leading, not being exempted.

Mr. Chairman, as many surfers know, like myself, Hawaii has some of the most sun, wind and surf of any State in America. Why are Hawaii emissions exempt from this mandate when the rest are included? These exemptions are irresponsible and do not justify the environmental intention of this motion.

I have strongly supported the intention, but it is too bad that special interests, special lobbying and the backroom deals have snuck in these exemptions that should not have ever existed.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), who has worked on these issues for many years.

Mr. SHAYS. Mr. Chairman, I waited 20 years for a debate like this, so thank you to this Congress.

I live, all of us live, in the greatest country in the world; but we consume and waste too much energy and we are vulnerable to oil-rich states in a part of the world that would do us harm. We need to work towards energy independence, freedom from declining energy sources, freedom from nations who would do us harm.

Thirteen years to reach 11 percent renewable and 4 percent efficiency that is doable. We need to set this goal and then strive every day to reach it. And it is not as hard as the opponents would have us believe.

Biomass, which includes so much, incremental hydropower, solar and solar water heating, wind, ocean tidal, geothermal, distributed energy, PURPA-qualified facilities. This is a goal we can reach. At least we should strive to reach it. We have 13 years to do it, and we need to start today.

□ 1415

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the Keystone State of Pennsylvania, Mr. Clean Energy, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. I thank the chairman of the committee for yielding me this time.

Currently, 3 percent of the grid is renewables. I wish there was a quick way

we could turn the switch on and get to 15 in this short period of time. Such a mandate will raise power rates for many. A Federal RPS will undermine the existing programs in 25 States. Nowhere will this be more harmful than in Pennsylvania where we allow 20 different sources of energy to meet our 12 percent RPS.

Folks, wind and solar are our hope and dreams, but they are very, very small. And when the wind doesn't blow and the sun doesn't shine, we have a redundant source of energy for them, and that is natural gas, which has become the most expensive source of electricity today because we have been unwilling to produce it.

We will cause States that don't have what they need to pay much higher rates, and we will not have the growth and increase of renewable electricity that we want. We have 50 States. Incentivize all of them to go out and meet these standards, but don't do a Federal mandate. It will work some places; it will cause harm in other places. Let the 50 States determine.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 30 seconds to the gentleman from California, chairman of the Committee on Oversight and Government Reform and a real leader on renewable energy issues, Mr. WAXMAN.

Mr. WAXMAN. People should not look for reasons to be against this amendment, they should look for reasons to be for it. It is in our natural interest. It is a win for our environment. It is a win for energy independence. It is a win for our national security.

L.A. County is a municipal system. They are reducing 20 percent and diverting it to renewables.

Let's recognize when we have more renewable energy, it provides jobs, it provides a better future and a better chance to accomplish what we need to do in this Nation.

I congratulate Mr. PLATTS and Mr. TOM UDALL, and urge my colleagues to vote for the amendment.

Mr. BARTON of Texas. Mr. Chairman, I am the remaining speaker. I know Mr. UDALL has the right to close, so I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire, a leader in the freshman class on this issue, Mr. PAUL HODES.

Mr. HODES. Mr. Chairman, the challenge of energy independence is perhaps the greatest challenge we face for the future of this country and our planet. It means national security, and it means jobs in the 21st century, and it means meeting the challenge of global climate change.

Twenty-three States have already adopted a renewable portfolio standard. In my State of New Hampshire, we have a standard of 25 percent by the year 2025. We should not be hampered by fear that we cannot accomplish great things in the country. Our entrepreneurs and our free market system

are ready to meet the challenge. They are waiting for a national standard, for a renewable portfolio standard to provide them the certainty to move forward. It is certainty to the free market that this standard will meet. It is time for a national standard.

I support this amendment. I urge my colleagues and all those who understand the power of the entrepreneur in America and the free markets to support this amendment. It is time for full speed ahead.

Mr. BARTON of Texas. May I inquire if the sponsor has any other speakers?

Mr. UDALL of New Mexico. Yes, I do.

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I would like the gentlewoman from Colorado (Ms. DEGETTE) to speak for 1 minute. She has helped enormously in this effort. She is a key player on the Energy and Commerce Committee.

Ms. DEGETTE. Mr. Chairman, if we really want to achieve energy independence, we need to make a national commitment to a common floor for a renewable portfolio standard. One size does not fit all, and that's why this amendment sets up a flexible, market-based trading system that lets utilities choose whether to develop renewable generation themselves or purchase credits from firms that have lower costs. If everybody does this, natural gas in the south and other places will go down.

The concept of an RPS is not new, but recently it is gaining support like never before. Twenty-three States have passed versions of this. In my State of Colorado, the voters passed this over the objection of industry and the utilities. It was so successful that the legislature and Governor, with the support of industry, utilities and the farm community, increased our RPS by 20 percent by 2020 this year.

It is the right thing to do. It is a good national commitment, and we believe by working together we can all meet this standard.

Mr. UDALL of New Mexico. Mr. Chairman, I recognize the gentleman from Maryland (Mr. GILCHREST) for 30 seconds. He knows this issue very well and I think has some important words for us.

Mr. GILCHREST. Mr. Chairman, I would like to ask the question: Is ingenuity dead in America? I don't think it is.

If we look at the bottom of the bottomless pit, the bottom of the bottomless pit which we assume is an oil well, we will not find oil, we will find ingenuity. This is an issue of how America can rise to the occasion, provide for better national security, provide for a dynamic economy based on new technology, provide for a sound environment, and provide for the question of morality in this issue to our grandchildren.

Ingenuity is not dead in America. Vote "aye" on this amendment.

Mr. BARTON of Texas. Mr. Chairman, I have been informed as a member of the committee I have the right to close. I would ask the sponsor to close, and then I will close.

The Acting CHAIRMAN. The gentleman is correct.

Mr. UDALL of New Mexico. Mr. Chairman, the staff work has been incredible on this, including my legislative director. I want to thank them all.

My cousin, who has been a key part in this effort, gave up his time so the Republicans could speak in a spirit of bipartisanship. With that, I would urge the rest of my colleagues to join me and my friends in passing this amendment and putting America on a path to a more secure energy future, create hundreds of thousands of jobs, and reduce the energy bills for our children and grandchildren.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

We have had a good debate, Mr. Chairman. It is an issue that needs to be debated. But the amendment reminds me of a Hollywood starlet, and the authors remind me of a Hollywood cosmetic surgeon. This amendment has been nipped and tucked so much that it is hard to recognize the original amendment. It is still not ready for its screen test.

I would hope that we defeat the amendment so we can then work together on a bipartisan basis on a renewable portfolio standard that could be supported. If you included nuclear power, if you included all sources of biomass, if you included the entire United States of America, and you didn't exempt one from the other, if you included municipal utilities like the Los Angeles Power and Light Utility that Mr. WAXMAN spoke about, you might have a basis on coming to an agreement that could be agreed upon by both sides of the aisle and some of the people that are now opposed to it.

But this particular amendment needs to be opposed for all of the reasons that people like Mr. BOUCHER has said and Mr. STEARNS has said and Mr. ROSS and Mr. BOREN and others have said. So I do hope when it comes time for the vote that the House rejects this amendment so we can work in the future on something that might be supported. I ask for a "no" vote.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in opposition to this amendment.

Mr. Chairman, I am proud to come from a state that has an impressive renewable energy standard—or RES—that was developed by Texans, for Texans, and that meets the needs of our state.

Unlike most state RES plans, which are based on a specific percentage of sales, the Texas RES plan has a fixed statewide renewable capacity requirement of 5,880 megawatts (MW) by 2015, which would represent about 5 percent of the state's energy capacity.

This isn't a question of whether or not we should encourage states to produce more electricity from renewable sources—we should. The question is whether a one-size-

fits-all federal mandate is the best way to accomplish this goal.

States like ours are already encouraging the development of renewable energy resources. Because of the diversity of state RES plans, any federal RES mandate could undercut or preempt those efforts. Some states promote resources—like nuclear, fuel cells, biogas, or bio-diesel—that are not considered an eligible resource under this amendment.

I am most concerned with the impact on my constituents' electricity bills with a federal RES. I represent an underserved area where hard-working families cannot afford to face higher energy costs.

In order to meet a 15 percent Federal RES by 2020, based on a 30 percent capacity factor, Texas would need 29,159 MW of intermittent renewable capacity in operation by 2020. This is a 953 percent increase over its existing wind capacity, a 767 percent increase over its existing non-hydro renewable capacity, and a 396 percent increase over the 2015 state RES requirement of 5,880 MW.

Texas utilities will likely be forced to make payments to the Federal Government to meet this federal mandate.

Voting against this amendment doesn't mean you're against renewable electricity generation. It only means you believe each state should decide for themselves the goals and targets that meet each state's unique capabilities.

Mr. WELLER of Illinois. Mr. Chairman, I rise today in support of the Udall/Platts amendment that will establish a Federal renewable portfolio standard of 15 percent by the year 2020.

By ensuring that 15 percent of the electricity we produce comes from renewable sources by 2020, we take another great step forward, just like we did when we passed the Energy Policy Act of 2007, in working towards the goal of energy independence.

In addition to the goal of energy independence, this amendment also takes steps toward an issue that we as a country need to ban together to fight . . . and that is global warming.

The Federal renewable portfolio standard we are debating here today by 2030 will save consumers an estimated \$16.4 billion on their energy bills and an estimated \$10 billion on their electricity bills.

In addition, the amendment will increase our renewable energy capacity to 91 gigawatts and it's estimated that annual power plant carbon emissions will be reduced by 180 million metric tons.

For my rural 11th District of Illinois, renewable sources of energy like wind and biomass are producing new jobs and revitalizing many small towns.

There are currently two wind farms in my district, Mendota Hills and Crescent Ridge, with an additional two more, Twin Groves and McLean Wind Energy Center, in the works. The Crescent Ridge project, once completed will be one of the largest wind farms in the country.

Since passage of the Energy Bill, we have seen over \$100 million invested in Wind energy with a total investment of close to a billion dollars.

The American Wind Energy Association estimates that for every new megawatt (MW) of wind energy, 15–19 direct and indirect jobs are created. There are about 826 MWs of planned wind production in various stages in

Illinois. That translates into 14,868 jobs in Illinois.

By establishing a Federal renewable portfolio standard, we can continue this growth in renewable energy and continue to produce many more new jobs.

While I do support the underlying amendment, I believe it lacks one critical component. That is the inclusion of nuclear power as part of the standard.

I have the distinct pleasure of representing a district that has the most nuclear power plants of any member of Congress.

Accounting for close to 20% of the electricity produced here in the United States, nuclear energy cannot be ignored.

With the focus of an RPS to not only drive us towards energy independence but to reduce carbon emissions, you cannot leave out an energy source like nuclear that produces 0 emissions.

I am hopeful that when we move forward with this policy that I can work with the sponsors of this amendment to have this clean burning energy source included.

In closing, I would like to take the opportunity to commend Congressmen UDALL and PLATTS for offering their amendment today and ask that all of my colleagues support this amendment.

Most of our States are moving towards renewable portfolio standards; its time for our country as a whole to become the leader.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–300.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. VAN HOLLEN:

In section 9117(a), in the amendment adding paragraph (18) to section 111(d) of the Public Utility Regulatory Policies Act of 1978, in paragraph (18)(B), strike "and" in clause (iv), strike the period at the end of clause (v) and insert "; and" and after clause (v) insert:

"(vi) offering home energy audits, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make home energy efficiency improvements more affordable."

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman

from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, this bill before us establishes many important incentives for consumers to make savings through the use of improvements in energy efficiency. However, I think we all understand that those incentives only work if consumers know about them and they are easily accessible, and that is what this noncontroversial amendment aims to do.

It simply adds a sixth policy option for States to consider in title IX of the underlying bill. It asks States and asks utilities to partner with us to promote the use of home energy audits, to educate homeowners about the financial and environmental benefits associated with residential energy efficiency improvements, and to publicize the availability of Federal and State incentives to make residential energy efficiency improvements more affordable. In short, this amendment represents a voluntary, commonsense way to drive consumers towards the very incentives we encourage them to use in this bill.

Mr. Chairman, this comprehensive energy package represents a long-overdue course correction and a new vision for energy policy in the United States. Today, we are beginning to make good on our commitment to redirect many of the wasteful subsidies away from already highly profitable oil and gas companies towards the renewable energy and energy efficiency technologies of the future.

These investments will reduce our dependence on foreign oil. They will help combat the growing problem of climate change by reducing our carbon dioxide emissions by 10.4 billion tons through the year 2030, more than the total of all tailpipe emissions from all of the cars on the road today.

As we generate cleaner power, we will also generate an estimated 3 million good-paying jobs over the next 10 years while investing in small business, economic development and high-payoff research at the Department of Energy.

And its energy efficiency provisions that we hope this amendment will encourage more consumers to go toward will save consumers if they take advantage of them, a staggering \$300 billion through the year 2030, demonstrating once again that the cheapest kind of energy is the kind we never have to use.

Mr. Chairman, this amendment is designed to ensure that American consumers know of the new possibilities before them. Many who oppose this bill focus on what they claim America cannot do. Those of us who support this bill have great faith in the creative energy and entrepreneurial spirit of the American people and our capacity to find innovative solutions to the challenges we face.

I encourage my colleagues to adopt this amendment which is in the spirit of the overall bill.

Mr. Chairman, this bill establishes many important incentives for consumers to make savings through the use of improvements in energy efficiency. However, those incentives only work if consumers know about them and they are easily accessible. That is what this noncontroversial amendment aims to do. It simply adds a sixth policy option for states to consider in Title IX of the underlying bill. It asks states and utilities to partner with us to promote the use of home energy audits; to educate homeowners about the financial and environmental benefits associated with residential energy efficiency improvements and to publicize the availability of Federal and State incentives to make residential energy efficiency improvements more affordable. In short, this amendment represents a voluntary, commonsense way to drive consumers toward the incentives we encourage them to use.

Mr. Chairman, this comprehensive energy package represents a long overdue course correction and a new vision for energy policy in the United States. Today, we are making good on our commitment to redirect huge wasteful subsidies away from our already highly profitable oil and gas companies toward the renewable energy and energy efficiency technologies of the future.

These new investments will reduce our dependence on foreign oil. They will significantly enhance our ability to combat global climate change—by reducing our carbon dioxide emissions by 10.4 billion tons through 2030, more than the total tailpipe emissions from all the cars on the road today.

And while these investments generate more clean energy they will also generate an estimated 3 million good-paying jobs over the next 10 years while investing in small business economic development and high-payoff research at the Department of Energy.

And its energy efficiency provisions will save consumers and businesses a staggering \$300 billion through 2030—demonstrating once again that the cheapest kind of energy is the kind you never have to use.

This amendment is designed to ensure that American consumers know of the new possibilities before them. Many who oppose this bill focus on what they claim America cannot do. Those of us who support this bill have great faith in the creative energy and entrepreneurial spirit of the American people and our capacity to find innovative solutions to the challenges we face.

I encourage my colleagues' support.

Mr. BOUCHER. Would the gentleman from Maryland yield?

Mr. VAN HOLLEN. I would be happy to yield to Mr. BOUCHER, and I want to commend him for his important work on this bill.

Mr. BOUCHER. I thank the gentleman for yielding and for his comments. I want to commend the gentleman for bringing this amendment before the committee today.

Home energy audits can be extremely helpful in encouraging energy efficiency. Most people are very surprised to learn just how energy inefficient, how leaky their homes actually are, and how inexpensively those energy leaks can be remedied and plugged sim-

ply by putting sealing and other kinds of technologies around doors and windows and around the roof.

Requiring States to consider holding their utilities to a Federal standard that would enable them to offer home energy audits, and in fact require that, to educate consumers and to publicize low-interest loans to finance these improvements could lead to many audits that otherwise are not likely to occur. Those audits in turn would lead to major energy savings we are not currently obtaining.

As long as implementation of the amendment takes into proper account any potential to create undue competition between utilities that are offering home energy audits and the private entities that are already doing so, this amendment would create an excellent standard for consideration by the States. I am pleased to urge its adoption.

□ 1430

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague from Virginia, and I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition?

Mr. BARTON of Texas. Mr. Chairman, I can't say we really support it, but we don't oppose it. So we don't seek any time on it.

I yield back my time.

Mr. VAN HOLLEN. Mr. Chairman, in that case, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. SCHWARTZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-300.

Ms. SCHWARTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SCHWARTZ:

In part 4 of subtitle A of title IX, add at the end the following new section:

**SEC. 9053. GREEN MEETINGS.**

(a) PURCHASE OF MEETING AND CONFERENCE SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall ensure that the Federal Acquisition Regulation is revised to require each Federal agency to consider, in each purchase of meeting and conference services, the environmentally preferable features and practices of a vendor in a manner substantially similar to that required of the Environmental Protection Agency in section 1523.703-1 (relating to acquisition of environmentally preferable meeting and conference services) and section 1552.223-71 (relating to EPA Green Meetings and Conferences) of title 48, Code of Federal Regulations, as set forth in the Environmental Protection Agency final rule published on pages 18401 through 18404 of volume 72, Federal Register (April 12, 2007).

(b) DEFINITIONS.—In this section—

(1) the terms “environmentally preferable” and “Federal agency” have the meanings given them by section 2.101 of the Federal Acquisition Regulation; and

(2) the term “meeting and conference services” means the use of off-site commercial facilities for a Federal agency event, including an event for a meeting, conference, training session, or other purpose.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Mr. Chairman, I yield myself such time as I may consume.

First, let me say I'm strongly supportive of the underlying bill that we are debating today. I think it moves us forward toward energy independence. It's exciting for all American businesses, for conservation, for energy efficiency and for the future of this country and this world.

My amendment is fairly straightforward. It helps us move us toward more green policies. Each year, the Federal Government spends \$14 billion for travel, most of that money going for hotels and for meeting spaces. These are taxpayer dollars that should be used to encourage the reduction of energy consumption. For instance, if one hotel initiates a linen and towel reuse program, it can conserve 200 barrels of oil, enough to run a family car 180,000 miles.

My amendment moves the United States towards green government by ensuring that the Federal Government considers the environmental benefits of the vendors with which they contract for meetings and conferences. This proposal expands upon a policy already used by the Environmental Protection Agency.

The EPA says this policy, they hope, “is seen as a template that eventually may be emulated governmentwide.” My amendment expedites implementation of this policy across the Federal Government and requires that within 180 days all Federal agencies must consider the environmentally preferable features and practices of a vendor in a manner that's substantially similar to the EPA.

I urge support of this amendment.

Mr. BOUCHER. Mr. Chairman, will the gentlewoman yield?

Ms. SCHWARTZ. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of her amendment and am pleased to urge its adoption.

The Environmental Protection Agency has criteria presently assuring that any conferences that the EPA conducts are held at the highest standards for energy efficiency and for minimum environmental impact. This amendment would simply require all Federal agencies holding conferences and meetings

to consider meeting these criteria. It's a step forward, and I'm pleased to urge its adoption.

Ms. SCHWARTZ. I thank you.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition?

Mr. BARTON of Texas. Mr. Chairman, we're neutral on the amendment and seek no time in opposition.

I yield back my time.

Ms. SCHWARTZ. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110–300.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ARCURI:

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

**SEC. 9119. EMINENT DOMAIN AUTHORITY.**

Section 216 of the Federal Power Act (as added by section 1221 of the Energy Policy Act of 2005) is amended by repealing subsections (f) and by amending subsection (e) to read as follows:

“(e) ACQUISITION OF RIGHTS-OF-WAY.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way in accordance with State law for the State in which the property is located.”.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I yield myself such time as I may consume.

My amendment would remove the right of a private company with a project that has already been approved by FERC to use the Federal Government's supreme power of eminent domain to take private property from landowners. Contrary to what the utility companies claim, my amendment would not leave an approved company without any recourse.

No, instead it would merely require the approved company to follow the existing State law procedure for obtaining a right-of-way. States have laws that help companies with approved power projects obtain the necessary right-of-ways, and these laws work.

They have worked for many years. I know of no power line project anywhere in the country that has ever failed to be completed once it had been approved and the company held the necessary permits to begin construction.

We understand that there are serious energy needs facing this country that must be addressed swiftly and judiciously. All this amendment does is permit an already approved company from using Federal eminent domain to drag a property owner into Federal court and take his land. That is a supreme power of the Federal Government.

This is not a Democratic or Republican issue or liberal or conservative issue. This is about protecting the rights of the citizens of this country.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I think that those of us who are Members of the House who have watched this debate have seen that, as we have actually debated various amendments, I've gone out of my way to be as supportive of as many of the amendments as possible. We have accepted a number of them with no debate at all. So it's not in any spirit of partisanship or anything like that that I rise in opposition to this.

In the Energy Policy Act 2 years ago, at the request and after extensive consultation with stakeholders, we put in a provision that in certain cases gives the Federal Energy Regulatory Commission the authority to go in and arbitrate in some of these interstate transmission, grid transmission lines where the States have not been able to reach agreements among themselves. It's a very limited authority, but part of that does give eminent domain authority that is the intent of this amendment to strike.

We don't have enough transmission grid capacity in this country right now. We need to be building more power plants. We also need to be building more transmission lines to get that power to the market. This amendment, if successfully passed, would gut what we just did 2 years ago.

There have been a number of other attempts to change this part of the Energy Policy Act. The latest attempt was in June when Congressman HINCHAY tried to strip out or gut section 216. It lost on the House floor 174–257. I hope that this amendment has a similar fate if it comes to a rollcall vote.

We simply have to have the ability in this country to move electricity from where we generate it to where we consume it, and in some States like Texas, Alaska, some of the large Western States, you can actually generate it in one State and use it in the same

States, which means you are transmitting it in intrastate commerce, but in most of our States, you're going to have transmission lines across State lines. So we have to have some Federal agency to serve as an arbitrator when the States can't agree amongst themselves.

And in the Energy Policy Act 2 years ago, we gave that authority, under limited circumstances, to the Federal Energy Regulatory Commission. I think it was the appropriate thing to do, and I hope that we keep that authority, and I hope we would, thus, oppose this particular amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCURI. Mr. Chairman, I respectfully disagree with my colleague from Texas. This amendment would not gut the bill. In fact, it would just give the States the right to have some input into where the power lines are going to be run in the State the same way that they have input in the State of Texas.

With that, I yield 1 minute to my good friend and fellow New Yorker (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I thank the gentleman for yielding, and I stand in strong support of this amendment.

I stand here speaking for my constituents at the Mount Hope Presbyterian Church in Orange County, New York, whose right-of-way to their church, a pillar of their community, will be cut off by the 130-foot-high tower for a power line that will be stuck in their driveway.

I stand here speaking for the owner of the Otisville, New York, hardware store, another mainstay of the community, and for his customers and his employees whose store will be leveled to put a tower there for the transmission line because they are running it literally down Main Street in patriotic, hardworking, taxpaying, all-American town of Otisville, New York.

Only one of the many stories of the NYRI power line, one of these supposed national interest electric transmission corridors. In the name of property rights and in the name of States' rights and in the name of due process and protecting ordinary Americans from having their rights run over by some distant Federal agency that they don't understand, I plead for support of this amendment.

Mr. BARTON of Texas. May I ask how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 2 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, this is a complex issue, and I wish we had more time to really debate it, but it is a very important issue because this language was in the energy bill because we had problems across this country around our centers where a lot of electricity is used.

New York is the biggest user of electricity, but if we do this, we're saying that we have enough. If surrounding States such as Pennsylvania, an energy exporting State, took the same attitude, New York would be in the dark. Indeed, more reasonable New Yorkers realize this as demonstrated by the following statement from Mr. Gil Quiniones, Chair of the New York Energy Policy Task Force: "The designation of vitally needed transmission corridors will enhance the public welfare both in the Nation at large and in New York City as the Nation's most critical financial and commercial center."

Join me in defeating this amendment. This is scare tactics. These are very limited powers that are used already on gas transmission lines. They've not been abused, but when we have disagreements between States and we have local groups who are just anti everything in energy, we need the ability to get electric and gas to our cities so they can function.

Mr. ARCURI. Mr. Speaker, may I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from New York has 3 minutes.

Mr. ARCURI. Mr. Chairman, I would submit that this is nothing about scare tactics. In fact, this morning I received notice from our Governor, who is a resident of New York City, supporting this amendment because this will help us get power to New York City in a responsible way. That's what this amendment is about. It's not about preventing it. It's about helping it to be done in a responsible way.

And with that, I yield 1 minute to my fellow New Yorker (Mr. HINCHEY).

Mr. HINCHEY. I express my appreciation to my friend and colleague from New York (Mr. ARCURI) for putting this amendment out so that we can have an opportunity to discuss it.

As we have just heard, this amendment is supported strongly by the Governor of New York, and in fact, it is supported essentially by every Governor across the States. Why is that? Because this amendment makes it clear that the issue of eminent domain constitutionally belongs in the hands of the State, not the Federal Government, and it simply says that there is no impediment about these lines but decisions with regard to eminent domain should be placed in the hands of the State and the State government.

People should have a right to be able to protect their private personal property rights, and issues involving transmission lines and others that may require the use of private property are to be dealt with in a reasonable and lawful way, and this is what this amendment simply does.

It's very straightforward, very direct, and in no way impedes anything that is going to be injurious to any issue involving electricity or anything else. It simply asserts the rights of private property.

Mr. BARTON of Texas. Mr. Chairman, I yield 30 seconds to a member of the committee, Mr. GREEN of Texas.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to this amendment.

I don't know how many times this Congress has to vote against this. It's been defeated twice during the appropriations process.

Every analysis of the past decade has confirmed the critical need to expand and upgrade our Nation's transmission infrastructure, a need that's already raising the cost of electricity to many Americans and proving a barrier to diversifying our energy resources. Now is not the time to take a step backward.

I think it's interesting our three colleagues from New York, if it's an interstate line, it doesn't matter, but you may have problems getting it to New York. But also, New York was the last place that had a blackout simply because there was a problem in Ohio.

We need to have these transmission corridors across our country.

This amendment removes from federal law the grant of eminent domain authority that comes with the issuance of a construction permit by the Federal Energy Regulatory Commission, FERC, to a critical transmission project located in severely congested areas.

The Arcuri amendment would eliminate from the Energy Policy Act of 2005 the incentive provided for states to cure gaps in their state siting laws that are especially apparent when interstate projects are needed.

Nowhere else has Congress authorized FERC to grant approval for energy projects—such as natural gas pipelines—without also assuring the necessary federal eminent domain authority accompanies the permit, license, or certificate.

Under EPAct 2005, the only projects FERC will consider are those that are critically needed and for which States could not or would not act to approve in timely manner.

Yet, the Arcuri-Hinchey-Hall amendment would establish greater barriers to the success of these projects than any other energy project.

The same grant of eminent domain authority that is available to all other energy projects approved by FERC should be available to these critical transmission projects.

I urge my colleagues to oppose this amendment.

□ 1445

Mr. ARCURI. Mr. Chairman, in closing, there is an old saying that we should think globally but act locally. That is exactly what this amendment attempts to do. That is the idea behind this amendment.

We crafted it very narrowly, and despite some of the comments by the speakers about the problems that this would create, it does no such thing. In fact, it does just the opposite. This achieves all of the things that we need in this country. That is, getting energy and power to our large communities, to our large cities, to New York, to Los Angeles, to the places that need it.

It does it in a responsible way. It does it in such a way that the localities, the areas that we call the faucet, have some say in getting the power to the sink, and that's the area that FERC refers to as the place that needs the power, and, equally as important, that the people along the way have some say as well.

That's what this amendment does; and, as I say, it is supported by, as my friend, Mr. HINCHEY, said, most of the Governors in this country.

The amendment deals with the concerns of localities. It deals with the constitutional rights, the States' rights that our States are most concerned with and, most importantly, it deals with the needs of all Americans.

I strongly support this amendment, and I urge my colleagues to do so as well.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, in closing, let me simply say that the Energy Policy Act requires that you go through the State siting process first, including going through the State court system first. If you have a problem there, you then have to get the Department of Energy to designate the particular corridor as an electric transmission corridor that's in the national interest. Then you go to the FERC, and then they go through a hearing process that then can be subject to the Federal court system.

What's in current law is carefully crafted to protect States' rights, to protect the local community but also give the ability on rare occasions to get a transmission line built that needs to be built.

I urge the defeat of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 10 OFFERED BY Mr. HODES

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110-300.

Mr. HODES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HODES:

In part 3 of subtitle A of title IX, add at the end the following new section:

**SEC. 9035. RENEWABLE ENERGY REBATE PROGRAM STUDY.**

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to Congress

a report on, a study regarding the rebate program described in section 206(c) of the Energy Policy Act of 2005. The study shall—

(1) develop a plan for how such a rebate program would be carried out if it were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goal of encouraging consumers to install renewable energy systems in their homes or small businesses.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of an amendment offered by Mr. WELCH of Vermont, my distinguished colleague, and me. This amendment would order a study using already appropriated funds to determine how best to administer a renewable energy rebate program for homes and small businesses.

The Energy Policy Act of 2005 directed the Energy Secretary to establish a rebate program to encourage consumers to use renewable energy to power their homes and small businesses. It included a broad definition of renewable energy, allowing Americans from every corner of the country to benefit from such a rebate.

The program has great potential for helping those without the initial capital to make their homes or small businesses green. However, after the program's inclusion in the 2005 Act, Congress did not follow through on its goal of encouraging renewable energy for families and small business owners. While it was authorized for a total of \$1 billion from fiscal years 2006 through 2010, not one penny has been appropriated under this program to provide rebates under this program.

Now, more than ever, this program is essential to kick-start a clean green energy revolution for millions of American family and our small business owners.

Congress needs to know how we can make this program work. Our amendment would require a study using existing Department of Energy funds to create a plan for administering the rebate system and estimating how much money the program would need to effectively encourage families and small business owners to install renewable energy systems. With this information in hand, Congress will be better equipped to determine the best way to encourage renewable energy use.

Families and small businesses are among those who face the toughest challenges in coping with rising energy costs. Congress has had the good judgment to authorize a program to fix this program, and it's time we make it work.

Mr. Chairman, I yield to my distinguished colleague, the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank my distinguished colleague from New Hampshire for yielding, and I commend him on bringing the amendment before the committee.

Mr. Chairman, his amendment to title IX would order the Secretary of Energy to conduct a study of the Renewable Energy Rebate Program for homes and small businesses as that program is defined in the Energy Policy Act of 2005. The study would require the creation of a plan for the program and also determine a minimum amount of funding that the program would need to be viable. It is a helpful addition to energy policy, and I encourage its adoption.

Mr. HODES. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I am only in mild opposition to this, but I am in opposition. I don't really think we need this particular study. It seems to be duplicative. It wouldn't be the worst amendment ever adopted on the House floor, if it were to be adopted, but I don't really think that it's necessary.

What I really want to talk about is the current Republican chief of staff to the Energy and Commerce Committee, Mr. Bud Albright, who is in the Chamber behind me.

Last evening, the other body confirmed him to be the Under Secretary of Energy, and so he will be leaving in the very near future to try to use some of the great things he has learned from myself and Mr. DINGELL and Mr. BOUCHER and others for the benefit of the Department of Energy and the people of the United States of America as the number three person at the Department.

He began his public service career with the Department of Justice, where he was a prosecutor. I got to know him when he came to the Energy and Commerce Committee as my general counsel on the Oversight and Investigations Subcommittee back in 1995. He went into private practice for a time. Then, when I became the chairman of the committee 3½ years ago, I asked him to be the majority chief of staff; and he has performed those duties in outstanding fashion. He has performed the duties of the minority chief of staff in an outstanding fashion. He will be leaving us to go to the Department of Energy.

I simply wanted to wish him the very best and tell him that he has many, many friends on both sides of the aisle in the House of Representatives. We fully expect him to comply with every Dingellgram and every letter of request for information and witness appearance list for the Department of Energy, which he will shortly be receiving in his new duties as Under Secretary.

Mr. DINGELL. Would the gentleman yield?



Mr. BARTON of Texas. I yield to the distinguished chairman of the full committee, Mr. DINGELL.

Mr. DINGELL. I want to thank my distinguished friend from Texas (Mr. BARTON) for all the good work that he does. I want to express my affection and respect for him. I want to thank him for raising the question about the departure of Mr. Albright.

Mr. Albright has served the committee with distinction. He has been a friend to all of us. He has been a wise counselor. He will be an extraordinarily fine public servant when he moves to the Department of Energy.

He will be missed here. He carries with him the affection, the respect and the good wishes of all of us. I wish to have him know of my friendship, affection and respect for him.

Mr. BARTON of Texas. I yield to my friend from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank the gentleman for yielding.

I want to associate myself with the comments of the chairman of our committee, Mr. DINGELL. Mr. Albright has performed a tremendous public service in the years that he has served as staff director on the Republican side of the committee, both in the majority and now in the minority.

He now embarks on another phase of his career, and I am pleased to note will be continuing in public service. I know he will do a fine job. We are going to miss him, and I join with the other Members in wishing him well.

Mr. BARTON of Texas. I ask for a "no" vote on the amendment and yield back the balance of my time.

Mr. HODES. Mr. Chairman, may I inquire as to my remaining time?

The Acting CHAIRMAN. The gentleman from New Hampshire has 2½ minutes.

Mr. HODES. Mr. Chairman, I yield 30 seconds to my distinguished colleague, Mr. WOLF of Virginia.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Arcuri amendment.

This amendment simply authorizes the use of State eminent domain authority rather than Federal eminent domain.

For those on our side, referencing for our side, this is, this is a States' rights amendment. I urge Members on my side to support the Arcuri amendment.

I want to say congratulations to Mr. Albright.

Mr. Chairman, this amendment simply authorizes the use of State eminent domain authority rather than Federal eminent domain authority when siting federally approved transmission lines.

This amendment is vital to the protection of the landscapes in my district by recognizing State and local conservation easements and designations. In the 10th District of Virginia, which I represent, these designations protect the lands that George Washington surveyed, that inspired Thomas Jefferson, and that Chief Justice John Marshall farmed.

Millions of Federal, State, local and private funds have been used to preserve and protect

the lands now threatened by the designation of a National Interest Electric Transmission Corridor which authorized the Federal Government to override state transmission siting authority.

We must give these lands this limited protection. I urge you to support this common-sense amendment to protect our private citizens and our national treasures.

Mr. HODES. Mr. Chairman, it is interesting that this noncontroversial amendment for a study is opposed. Since 2005, although the program has been authorized, no money has been appropriated. It is an effective, efficient use of resources to embark on a study with results to be delivered to us in 120 days, so Congress knows how best to implement the provisions of the program already authorized and how much it will cost. We will then be in a position to make educated determinations about how much money to appropriate for this very important program.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. BARTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110-300.

Mr. BARTON of Texas. Mr. Chairman, as the designee of Mr. MURPHY of Pennsylvania, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. BARTON: In section 9502(a), insert "improvements in data on solid byproducts from coal-based energy-producing facilities," after "oil and gas data."

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, this amendment would modify section 9502(a) of H.R. 3221 to ensure that the Energy Information Administration restores its previously terminated collection of data on solid byproducts from coal-based energy producing facilities and makes improvements on these data.

I don't think it's controversial, and I would ask its adoption.

Mr. BOUCHER. Would the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

A major purpose of our provisions in subtitle F of title IX is to provide that the Energy Information Administration begin collecting again important

data that it once collected but discontinued collection of under budget or personnel constraints, and data on solid byproducts of coal use fell into that category.

Mr. MURPHY's amendment would simply require that this data on solid byproducts of coal use once again be corrected. We support it and urge that amendment be adopted.

Mr. BARTON of Texas. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

□ 1500

AMENDMENT NO. 12 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIRMAN (Mr. SERRANO). It is now in order to consider amendment No. 12 printed in part B of House Report 110-300.

Mr. MURPHY of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MURPHY of Connecticut:

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

**SEC. 9119. PUBLIC MEETINGS FOR CERTAIN FERC ACTIONS.**

(a) IN GENERAL.—Before issuing a permit, license, or other authorization under part I of the Federal Power Act for any action that may affect land use in any locality, the Federal Energy Regulatory Commission shall hold a public meeting in that locality regarding such permit, license or other authorization if such a meeting is requested by 5 or more individuals or an organization representing 30 or more individuals. The meeting shall be held before the end of any period for public comment under Commission rules. Not more than one public meeting need be held with respect to a single permit, license or other authorization.

(b) MULTIPLE AREAS.—In the case of a facility that affects multiple areas, the meeting shall be held in a statistical metropolitan area at a location reasonably central to the affected areas.

(c) MOTIONS TO RECONSIDER.—The Commission shall hold such a meeting whenever a request for reconsideration is granted if the request was filed before the enactment of this section and the Commission did not hold a hearing prior to issuing the permit, license, or other authorization concerned.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, I am pleased to offer an amendment to H.R. 3221, to require the Federal Energy Regulatory Commission, or better known as FERC, to hold public local meetings before issuing permits or authorizations that will affect land use decisions, if that meeting is requested by local citizens.

While FERC is required to have an open comment period before they issue a rule, there is currently no mechanism right now to require that they hold a public local hearing in an affected locality.

I bring this issue to the floor today, Mr. Chairman, because my constituents who live in the community surrounding Candlewood Lake in Connecticut were unable to secure a public hearing from FERC to air their concerns regarding a shoreline management plan that would impose new hefty fees on the residents that surround that lake and enjoy that lake.

This amendment is based on a simple premise: Public policymakers cannot and should not, frankly, act without the input of citizens who will be affected by the decisions that they make.

As legislators, we know we can't simply sample public opinion by sitting in our offices here in Washington and reading the mail that may come in. We need to go back to our districts and solicit opinion there. A regulatory agency should be held to the same standard, especially in relation to hydropower assets, around which many citizens reside.

My amendment is a commonsense solution to the problem that any of us could face. It does nothing to alter or constrain the decisions that FERC may ultimately make; it just ensures the commission would hear all sides before making any determination on land use issues and ensures that our constituents' voices are heard.

Mr. Chairman, I understand that this issue may need more time for the committee.

I would be happy to yield to the chairman for a short colloquy.

Mr. BOUCHER. I want to thank the gentleman for yielding, and I commend him for bringing this matter before the committee today. It is my understanding that he intends to ask that his amendment be withdrawn momentarily.

Let me give assurance to the gentleman that we are sensitive to the valid concerns that he has raised about the need to have public participation in the processes of the Federal Energy Regulatory Commission; and I want to pledge to him that we will work with him and with the FERC to ensure that his constituents are heard with regard to matters that affect them.

I thank the gentleman for yielding and commend him on bringing this concern before the House.

Mr. MURPHY of Connecticut. I thank the chairman.

Mr. Chairman, my intention is to withdraw this amendment. I look forward also to working with my colleagues on the greater issue of making sure that, in all cases, our constituents' voices are heard when these decisions are handed down. As we move more control over Federal power assets from States to the Federal Government, it seems that we should still have safeguards in place to make sure

that local citizens' issues and concerns are taken into consideration by FERC, and I plan to continue my advocacy of that cause.

I ask unanimous consent to have the amendment withdrawn at this point.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 13 OFFERED BY MR. SALI

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110-300.

Mr. SALI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SALI:

In title IX, add at the end the following new subtitle:

**Subtitle G—Large and Small Scale Hydropower**

**SEC. 9601. SENSE OF CONGRESS.**

Congress recognizes and supports renewable energy. Specifically, the clean, consistent, pollution free large and small scale conventional hydropower energy.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. SALI. Mr. Chairman, I rise today to offer an amendment to this energy bill.

Let me start out by saying bluntly that I feel that this energy bill is a step backward with virtually every topic that it covers.

With that being said, I do want to bring to light an issue that I feel this bill does not cover and that issue is hydropower. My amendment is simple. It expresses the sense of Congress recognizing and supporting renewable energy; specifically, it will add clean, consistent, pollution free, large and small scale conventional hydropower to this bill.

My amendment is a sense of Congress supporting hydropower. If we are going to discuss renewable energy, then we need to include hydropower. It is clean, renewable, consistent, and, most importantly, pollution free. Hydropower works all the time and should be a part of this bill because hydropower in America produces no greenhouse gas emissions. In fact, hydropower offsets more carbon emissions than all other renewable energy resources combined. Let me say that again: hydropower offsets more carbon emissions than all other renewable energy resources combined.

We have heard a lot about greenhouse gas emissions. Mr. Chairman, if we are serious about reducing greenhouse gas emissions, than we need to recognize hydropower produces zero greenhouse gas emissions. Last year alone, we avoided some 160 million tons of carbon emissions by the use of hydropower here in the United States.

I am from the Pacific Northwest, from Idaho. We are truly blessed to have more than 60 percent of the power in the Pacific Northwest come from hydropower. In fact, there is so much power produced in the Northwest from hydropower that we often sell our excess supply to areas such as Southern California, where they historically have a shortage at certain times of the year.

I feel strongly that Congress needs to support conventional hydropower, and that is why I am offering this amendment today.

In closing, I want to remind my colleagues on both sides of the aisle that hydropower is emission free, completely renewable, clean, and domestic. That is right, it is domestic. I would urge my colleagues to vote "yes" on this Sali amendment.

Mr. Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman has 2½ minutes left.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. SALI. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding, and I commend him on this amendment that would simply express the sense of the Congress, recognizing the benefits of both large-scale and small-scale hydroelectric projects. We accept the amendment and urge its adoption.

I thank the gentleman for yielding.

Mr. SALI. Mr. Chairman, I thank the gentleman for accepting the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

**RECORDED VOTE**

Mr. SALI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in part B of House Report 110-300.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WELCH of Vermont:

In part IV of subtitle A of title IX, add at the end the following new section:

**SEC. 9077. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.**

Part G of title III of the Energy Policy and Conservation Act is amended by inserting

after section 399 (42 U.S.C. 371h) the following:

**“SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.**

“(a) DEFINITIONS.—In this section:

“(1) ENERGY SUSTAINABILITY.—The term ‘energy sustainability’ includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

“(1) IN GENERAL.—The Secretary shall award not more than 100 grants per year to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

“(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

“(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

“(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

“(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

“(1) IN GENERAL.—The Secretary shall award not more than 250 grants per year to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

“(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

“(A) involve—

“(i) an innovative technology that is not yet commercially available; or

“(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

“(B) have the greatest potential for testing or demonstrating new technologies or processes; and

“(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

“(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

“(d) AWARDING OF GRANTS.—

“(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

“(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

“(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than \$100,000,000, with 50 percent of the allocation set aside for institutions of higher education

that have an endowment of not more than \$50,000,000.

“(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

“(1) in the case of grants for energy efficiency improvement under subsection (b), \$1,000,000; or

“(2) in the case of grants for innovation in energy sustainability under subsection (c), \$500,000.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.”

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, at the outset I want to thank the dean of the House, Mr. DINGELL. Last night I needed his help, and he gave it to me to help make this amendment in order. He told me a story, and it was a simple story: If you have a chance to help somebody, take it. And it is a good lesson to live by. Although, he didn't say he was for the amendment, I hope he finds the content of the amendment okay as well as being in order. And I want to thank his staff for the tremendous work they have done.

This amendment is very simple, Mr. Chairman. It establishes or authorizes the Federal fund to support energy sustainability and energy efficiency projects on colleges and universities campuses through grants, authorizes but doesn't appropriate.

Public institutions are playing a major role in this energy debate. They lead by example. Giving them the possibility of having funds to actually implement programs would be a very good thing.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman from Virginia.

Mr. BOUCHER. I want to thank the gentleman from Vermont for yielding and commend him on bringing this amendment before the committee. It would establish a grant program for colleges and universities to invest in sustainable and efficient energy projects. I think this is a step forward for energy policy and I would encourage adoption of the amendment. I thank the gentleman for yielding.

Mr. WELCH of Vermont. I thank the gentleman.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from Vermont for his thoughtful amendment, and I thank Chairman DINGELL as well for helping him, and the chairman of the subcommittee, Mr. BOUCHER, and all of our Members for dialoguing on this very crucial issue.

I happen to represent the University of Houston that has brought a wind research project to Houston, a \$24 million project, and I know that Texas has enormous amount of commitment to wind.

This research grant program will help other universities look at issues such as fossil fuel and the efficiency of it, refineries and the efficiency of it, exploration and the efficiency of it in other places other than public lands. So I am here to support this amendment and as well to support the underlying energy bill, H.R. 3221.

I thank the gentleman, Mr. WELCH. Universities around America will look forward to this grant program, including Texas Southern University and many other universities that we have in my district.

Mr. Chairman, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill, I nevertheless support it as a step in the right direction of America achieving energy independence. H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act is important and multifaceted legislation which will make substantial strides towards energy independence and security for our Nation, while also encouraging the development of innovative new technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

I would like to begin by commending the Speaker of the House, Ms. PELOSI, for her leadership in introducing this legislation and bringing it to the floor. The bill we have before us today represents the work of eleven House committees, and it fulfills the Democrats' promise to bring a comprehensive new direction to the people of the United States.

In addition to being from the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action to all of the sectors who comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic

which can ultimately result in reforming our energy industry to the extent that we as a Nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

This bill contains numerous important provisions. It represents a major national investment in renewable energy that has the potential to create 3 million "green" jobs. Further, it provides training opportunities for American workers, particularly our disadvantaged groups and our brave veterans, to fill these new positions. It gives small businesses the tools they need to be more energy efficient, including technical assistance. It encourages research and innovation into new energy technology, including biofuels, carbon capture, and solar energy. It encourages mass transit and alternative fuels, it protects Federal lands and wildlife, and it promotes the efficient use of energy.

However, I am concerned that H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007, contains provisions repealing tax incentives for oil and gas companies which may have a negative effect on access to important sources of energy. In particular, I am concerned that the domestic manufacturing deduction, Section 199 of H.R. 2776, could discourage new domestic oil and natural gas investment by making these investments comparatively less competitive than competing foreign investments. Moving forward, I think it would be prudent for this Congress to consider linking an increase on taxes with an increase in access to domestic exploration of available sources of energy, such as the Gulf Coast.

According to the U.S. Minerals Management Service (MMS), America's deep seas on the Outer Continental Shelf (OCS) contain 420 trillion cubic feet of natural gas (the U.S. consumes 23 TCF per year) and 86 billion barrels of oil (the U.S. imports 4.5 billion per year). Even with all these energy resources, the U.S. sends more than \$300 billion (and countless American jobs) overseas every year for energy we can create at home. I believe that we should mandate environmentally safe and efficient exploration techniques in the Gulf Coast

which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

This bill also contains a crucial international component. Global climate change is a truly global problem. It is real; it is imminent; and it is our responsibility to work with the rest of the international community to develop a coordinated global response to this potentially devastating phenomenon. This legislation calls for the United States to re-engage and lead international efforts to reach an agreement requiring binding emissions reduction commitments from all major emitters, including China, India, and Brazil. A truly monumental diplomatic effort is needed to begin to arrest the catastrophic effects of climate change, and this bill is an important step toward beginning global negotiations to establish a coordinated response.

Mr. Chairman, I was pleased to work with the Chairman of the Committee on Foreign Affairs to incorporate important language in this legislation to ensure that its provisions and benefits are available to some of our nation's disadvantaged populations. My language, seen in Section 2102 of H.R. 3221, guarantees that Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and other Minority Serving Institutions are able to participate in the visits and exchanges between scientific researchers of the United States and other nations provided for in this bill. My amendment would also seek to include minority- and women-owned businesses in these exchange programs.

Additionally, I worked with the Chairman and the Committee to include language that global climate change negotiations would address the perspectives and concerns of indigenous and tribal populations, who often bear the brunt of climate change but have traditionally been neglected in the negotiation process.

Furthermore, I support innovative solutions to our national energy crisis such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the \$180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks and municipal solid wastes, which are available throughout our nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions.

I also commend my colleague from Vermont, Mr. WELCH, for his amendment which would establish a grant program for colleges and universities to invest in sustainable and efficient energy projects. I commend the University of Houston, which led the Lone Star Wind Alliance succeed in bringing one of the Department of Energy's large turbine-testing facilities to the Texas Gulf Coast. This major step forward in developing clean, renewable wind energy will result in the University of Houston directing a \$24 million world-class research and test facility in Texas. This will ensure that Texas becomes a global leader in wind energy technology, which will be assisted by pledges from the Lone Star Wind Alliance of \$18 million, by the Texas Legislature of \$5 million, and \$2 million from the Department of Energy.

Mr. Chairman, this comprehensive legislation addresses the full range of concerns raised by global climate change. It offers wide-ranging solutions to the serious problems we, as a Nation and as an international community, face. It demonstrates the ongoing commitment of this Democratic Congress to address these important issues, and to provide tangible and beneficial solutions.

I urge my colleagues to be balanced and prudent in their approach in addressing our energy needs. By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Mr. BARTON of Texas. Mr. Chairman, I rise in doubt about the amendment. I would like to engage the author in a colloquy.

The Acting CHAIRMAN. Does the gentleman rise in opposition?

Mr. BARTON of Texas. I guess for the time being I am in mild opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. And I may not be in opposition. I want to ask the distinguished author: these grants that would be established if the program were to be established, would they be granted on a competitive basis?

Mr. WELCH of Vermont. Yes, they will.

Mr. BARTON of Texas. So this is not specified certain institutions?

Mr. WELCH of Vermont. No, it is not.

Mr. BARTON of Texas. It would be an open process with criteria, and all comers would get to submit an application and then a merit-based review of those applications?

Mr. WELCH of Vermont. That is correct.

Mr. BARTON of Texas. With that understanding, I would support the amendment.

I yield 2 minutes to my good friend from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I would yield to the desires of our ranking member on the amendment.

Mr. Chairman, the underlying bill of that amendment offers us clear choices on the environment. It lays before us the kind of choices, the kind of development we should support. My Republican colleagues and I believe that we should support and expand our domestic energy supply.

This picture is a picture of American energy. This offshore rig produces between 100,000 and 150,000 barrels of oil a day from America's Outer Continental Shelf. The production is clean, with a limited impact on the surrounding ocean. The impact it has caused the creation of a new column of ocean life on the legs of the platform.

During Katrina, these did not spill one drop of oil, not one drop, in one of the worst hurricanes in American history. I believe that this clean development is what we should produce more of. That is why I am going to vote for this bill.

Many of our friends see life differently. They are going to say that this is not the way to produce. To quote my friend from New York, "Let us import as much energy as we possibly can."

Now, I have traveled overseas and I have looked at oil production overseas. When they say, let's import as much as we can, some of that production comes from places like this, with absolutely no environmental standards. And we are going to export our problems, export the environmental contamination from this country to others, all in the guise of making ourselves energy independent.

Many in the majority of Congress is going to vote today, and I would recommend that we very carefully think about the problems that we are going to export and think about that tremendous energy industry that has developed here and is a model for the rest of the world.

I thank the ranking member for yielding time and thank the chairman, and appreciate the opportunity to speak.

□ 1515

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mrs. TAUSCHER) assumed the chair.

#### ENROLLED BILL SIGNED

Ms. Lorraine Miller, Clerk of the House, reported and found truly en-

rolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The Committee resumed its sitting.

AMENDMENT NO. 15 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 110-300.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. CASTLE:  
In title VII, at the end of subtitle F add the following:

#### SEC. \_\_\_\_ REPORT ON STATUS OF REGULATIONS WITH RESPECT TO WIND ENERGY PROJECTS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Minerals Management Service, shall submit a report to Congress on the status of regulations required to be issued under section 8(p)(8) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(8)) with respect to the production of wind energy on the Outer Continental Shelf.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join my colleague, Mr. DELAHUNT, in offering this amendment today.

The 2005 energy law required Minerals Management Service, MMS, under the Department of the Interior, to develop regulations for offshore wind development within 270 days. It is now 6 months past the deadline, and it appears we will keep waiting. The delay causes regulatory uncertainty and potential setbacks for pursuing the development of this renewable energy source.

Our amendment to H.R. 3221 would require MMS to report to Congress within 30 days on the status of these regulations. We need to know the reason for the delay and what can be done to move things along so communities wishing to invest in this clean, renewable technology can move forward. This is of critical importance to the State of Delaware, which has not only agreed to produce 20 percent of its electricity from renewable sources by 2020 but has made a strong commitment to

offshore wind resources as a component of its energy portfolio.

Wind power is one of the fastest-growing sources of energy and contributes economically and environmentally to America's energy future. Electricity from wind is inflation proof and is not subject to the price volatility of traditional sources. With growing concern over climate change, wind power offers emission-free energy that will diversify our energy supply domestically, while easing demand for polluting and imported fossil fuels.

For Delaware and many other coastal States, our best wind resource lies not inland but just off our shores. I look forward to learning from and working with the various agencies to make sure our renewable energy resources are developed in a timely and environmentally friendly manner so States like Delaware that have signaled it is time to move forward can do so.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment simply to ask some questions, though I will not be in opposition at the end.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gracious gentleman from Texas for yielding.

I rise to support this amendment.

As the gentleman from Delaware indicated, 2 years ago Congress authorized the development of renewable energy from wind and wave and tidal sources in Federal waters, and the Department of the Interior was instructed to establish a program in a uniform set of standards. This initiative was based on the successful example of European countries that are now developing thousands of megawatts of clean, renewable energy from their coastal waters.

In Germany, the United Kingdom and Spain, efforts are well under way to identify offshore renewable energy sites with clear standards to protect the environment, wildlife and mariners and to provide companies with a set of guidelines to develop these areas.

With respect to offshore wind energy, Germany has already zoned much of the North Sea to tap into 25,000 megawatts of energy in the next 20 years. Most of these projects are in deep water, far offshore, and using technologies that create thousands of jobs.

Here in the United States, our coastal waters have the potential to generate close to 900,000 megawatts of energy, and much of this is also in deep water. That is an amount that is close to today's electric capacity for the entire Nation. We have the technology, the capital, and the skilled labor to develop a significant amount of this energy. We could become the Saudi Arabia of wind.